

FILED

IN THE UNITED STATES DISTRICT COURT - Western District, Pittsburgh, Pa **JUN 23 2023**

Dion Horton, et al, Plaintiffs

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

v.

Administrative Judge Jill RANGOS, et al.

Civil Case No.: 2:22-cv-1391-NR

MOVANT PHILLIP REHWALD'S ANSWER TO DEFENDANTS' BRIEF[S]
& MOTION FOR PRELIMINARY INJUNCTION

AND NOW, comes MOVANT PHILLIP REHWALD, Pro Se, to respectfully petition this Honorable Court for Preliminary Injunction for Immediate Relief[s] from his Current Arbitrary Imprisonment at SCI Greene, Waynesburg, Pennsylvania 15370-8090, as follows:

INTRODUCTION

" This court [RANGOS] is constrained defendant [PHILLIP REHWALD] is entitled to the relief requested " 1

quote by: Judge Jill E. RANGOS

&

" Mr. Rehwald has spent enough time in incarceration " 2

quote by: MOVANT'S [former] *" embattled "* (ousted) Judge Donna Jo McDaniel

1 J. Jill E. RANGOS' conceding statement in TCO of May 24, 2021 (See: ECF) regarding MOVANT's meritorious claim[s] for relief[s] , prior to her ambivalent, improper dismissal[s] of TWO (2) P.C.R.A. [s] - both without petitioned Bronough Evidentiary Hearing[s].

2 J. Donna Jo McDaniel (MOVANT'S initial Judge at CC: CP-02-CR-0006354-2015) statement at July 11, 2021 SOC REVIEW HEARING TRANSCRIPT T.T. p5, L4 + L5 (See: ECF)

ARGUMENT

MOVANT's *Non-curable* Habeas Corpus claim is declared an " Absolute Nullity " (" Dead-head " - *caput mortuum*) as " The HIGHEST [judicial] irregularity and such a defect " to wit: " Bad Faith" US CONST 14th Amend't Due Process Practice oppressively wielded by Judge Jill E. Rangos being both grave and unreasonable, with Gagnon 1 Preliminary Hearing deprivation occurring within August 5, 2019's non-waivable Illegal VOP Sentence, as follows:

J. Rangos wantonly and wrecklessly never afforded MOVANT *no-not-one* SCOTUS Criminal Law § 110.5 (3) Gagnon 1 Preliminary Hearing for TWO (2) Illegal Detainer[s] at Allegheny County Jail, and that, after TWO HUNDRED TEN (210) Prejudicial day[s] Incarceration, violative of both Pa RULE 600 (B) (max 180 days) & Pa R. Cr. P. 1409 (governing probation revocation) - still warranting Case Dismissal, pursuant to Strunk US & Lynn, Pa .

See ECF[s] > ***Record-Based Evidence***: APPENDIX A (Exhibit B2) timely filed at first opportunity in RE: CC:CP-02-CR-0006354 time-date stamped: "2019 APR 11 PM 3:30"; Exhibit B4 (Illegal Detainer # 1 of 2) ; & EXHIBIT D4 (Illegal Detainer # 2 of 2) in RE: # 994-WDA-2022 Pa Super - W.D. that was Consolidated into MOVANT's No. : 30-WM-2023, SCOPA 2023 (pending " Writ For Extraordinary Relief") NOTE: Ultra Vires [VOID] MEMORANDUM issued by Pa Super at # 994-WDA-2022 was entered with NO JURISDICTION due to Superseded above-stated Writ , also as grave and unreasonable [declared] " Absolute Nullity " judicial error.

THEREFORE, Plaintiff[s] claims mourning their mere " perfunctory " Gagnon 1 hearings ranging between 1 to 10 minutes *utterly pales* in comparison to MOVANT's absolutely NO Gagnon 1 HEARING *what-so-ever*.

CONCLUSION: MOVANT respectfully petitions this Honorable Court respectfully ISSUE Preliminary Injunction Relief affording him with " Immedaite Discharge " , pursuant to Wilson V. Hoerner 3RD CIR, (2016) (holding No Gagnon 1 Preliminary Hearing) ; and " Expungement of Record " , pursuant to Scarpelli V. Gagnon, 7C, 1970 (holding No Gagnon 1 Preliminary Hearing) & Hahn V. Burke 7C 1970 (holding No Gagnon 1 Preliminary Hearing)

AND/OR GRANT any additional reliefs this Honorable Court deems appropriate .

Respectfully submitted,

x Phillip Rehwal

PHILLIP REHWALD # NX 8693

175 Progress Drive

Waynesburg, Pa. 15370-8090

page 2 of 2, P.R.

VERIFICATION

I, PHILLIP REHARD, do hereby verify that the statements made herein are true and correct to the best of my knowledge and belief. I understand that making false statements herein are made subject to the penalties of **18 Pa.C.S.A. § 4904**, relating to unsworn falsifications to authorities.

Date: 6-16-23

Phillip Reh
PHILLIP REHARD

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SCI-Greene
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Waynesburg, PA 15370

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the United Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and records, in accordance with **Pa.R.A.P. Rule 127**.

Phillip Reh
PHILLIP REHARD
Petitioner, Pro Se

PROOF OF SERVICE

I, PHILLIP REHWARD, do hereby certify that I have served true and correct copy of the foregoing Petition / Motion / Brief, to the parties and in the manner listed below. This service satisfies the requirements of the Pa.R.Crim.P. 576 and 577. This service also satisfies the requirements of the Prisoner's Mailbox Act; *Commonwealth v. Jones*, 700 A.2d 423 (1997), and *Houston v. Lack*, 487 US 266, 108 S.Ct. 2379 (1988).

Service by First Class Mail:

USDC-WD
700 Grand St
Rm 3160
Pgh, PA 15219-1906

Date: 6-16-23

Phillip Rehward

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